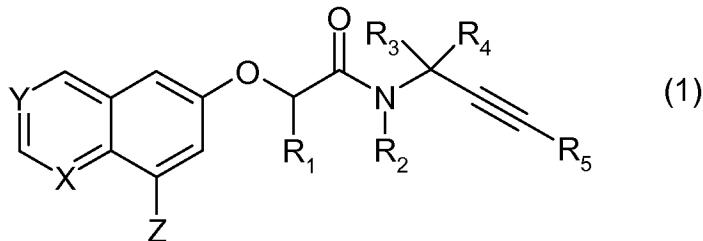


IN THE CLAIMS

Claim 1. (Original): A compound of the general formula (1):



wherein one of X and Y is N or N-oxide and the other is CR or both of X and Y are N; Z is H, halo, C₁₋₆ alkyl optionally substituted with halo or C₁₋₄ alkoxy, C₃₋₆ cycloalkyl optionally substituted with halo or C₁₋₄ alkoxy, C₂₋₄ alkenyl optionally substituted with halo, C₂₋₄ alkynyl optionally substituted with halo, C₁₋₆ alkoxy optionally substituted with halo or C₁₋₄ alkoxy, C₂₋₄ alkenyloxy optionally substituted with halo, C₂₋₄ alkynyloxy optionally substituted with halo, cyano, nitro, C₁₋₄ alkoxycarbonyl, -OSO₂R', S(O)_nR', -COR'', -CONR''R'', -CR''=NOR', NR''R'', NR''COR', NR''CO₂R' where n is 0, 1 or 2, R' is C₁₋₆ alkyl optionally substituted with halogen and R'' and R''' are independently H or C₁₋₆ alkyl or , in the case of -CONR''R''', may join to form a 5- or 6-membered ring containing a single nitrogen atom, saturated carbon atoms and optionally a single oxygen atom; R is H, halo, C₁₋₈ alkyl, C₃₋₆ cycloalkyl, C₂₋₈ alkenyl, C₂₋₈ alkynyl, C₁₋₈ alkoxy, C₁₋₈ alkylthio, nitro, amino, mono- or di-(C₁₋₆)alkylamino, mono- or di-(C₂₋₆)alkenylamino, mono- or di-(C₂₋₆)alkynylamino, formylamino, C₁₋₄ alkyl(formyl)amino, C₁₋₄ alkylcarbonylamino, C₁₋₄ alkoxycarbonylamino, C₁₋₄ alkyl(C₁₋₄ alkylcarbonyl)amino, cyano, formyl, C₁₋₄ alkylcarbonyl, C₁₋₄ alkoxycarbonyl, aminocarbonyl, mono- or di-(C₁₋₄)alkylaminocarbonyl, carboxy, C₁₋₄ alkylcarbonyloxy, aryl(C₁₋₄)alkylcarbonyloxy, C₁₋₄ alkylsulphinyl, C₁₋₄ alkylsulphonyl or C₁₋₄ alkylsulphonyloxy;

R₁ is C₁₋₄ alkyl, C₂₋₄ alkenyl or C₂₋₄ alkynyl in which the alkyl, alkenyl and alkynyl groups are optionally substituted on their terminal carbon atom with one, two or three halogen atoms, with a cyano group, with a C₁₋₄ alkylcarbonyl group, with a C₁₋₄ alkoxycarbonyl group or with a hydroxy group, or

R₁ is alkoxyalkyl, alkylthioalkyl, alkylsulphinylalkyl or alkylsulphonylalkyl in which the total number of carbon atoms is 2 or 3, or

R₁ is a straight-chain C₁₋₄ alkoxy group;

R₂ is H, C₁₋₄ alkyl, C₁₋₄ alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C₁₋₄ alkoxy;

R₃ and R₄ are independently H, C₁₋₃ alkyl, C₂₋₃ alkenyl or C₂₋₃ alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or R₃ and R₄ join with the carbon atom to which they are attached to form a 3 or 4 membered

carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C₁₋₄ alkyl; and

R₅ is H, C₁₋₄ alkyl or C₃₋₆ cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C₁₋₆ alkoxy, cyano, C₁₋₄ alkylcarbonyloxy, aminocarbonyloxy, mono- or di(C₁₋₄)alkylaminocarbonyloxy, -S(O)_n(C₁₋₆)alkyl where n is 0, 1 or 2, triazolyl (e.g. 1,2,4-triazol-1-yl), tri(C₁₋₄)alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R₅ is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the R₅ values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C₁₋₄ alkyl, C₂₋₄, alkenyl, C₂₋₄ alkynyl, C₁₋₄ alkoxy, C₂₋₄ alkenyloxy, C₂₋₄ alkynyoxy, halo (C₁₋₄)alkyl, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, halo(C₁₋₄)alkylthio, hydroxy(C₁₋₄)alkyl, C₁₋₄ alkoxy(C₁₋₄)alkyl, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, -NR^mRⁿ, -NHCOR^m, -NHCONR^mRⁿ, -CONR^mRⁿ, -SO₂R^m, -OSO₂R^m, -COR^m, -CR^m=NRⁿ or -N=CR^mRⁿ, in which R^m and Rⁿ are independently hydrogen, C₁₋₄ alkyl, halo(C₁₋₄)alkyl, C₁₋₄ alkoxy, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C₁₋₄ alkyl or C₁₋₄ alkoxy.

Claim 2. (Original): A compound according to claim 1 wherein R₅ is other than H.

Claim 3. (Previously Presented): A compound according to claim 1 wherein R is H or halo, cyano.

Claim 4. (Previously Presented): A compound according to claim 1, wherein R₁ is methyl, ethyl, n-propyl, 2,2,2-trifluoromethyl, cyanomethyl, acetyl methyl, methoxycarbonylmethyl, methoxycarbonylethyl, hydroxymethyl, hydroxyethyl, methoxymethyl, methylthiomethyl, ethoxymethyl, 2-methoxyethyl, 2-methylthioethyl, methoxy, ethoxy, n-propoxy or n-butoxy.

Claim 5. (Previously Presented): A compound according to claim 1, wherein R₁ is ethyl, methoxy, ethoxy or methoxymethyl.

Claim 6. (Previously Presented): A compound according to claim 1, wherein R₂ is H.

Claim 7. (Previously Presented): A compound according to claim 1, wherein both R₃ and R₄ are methyl.

Claim 8. (Previously Presented): A compound according to claim 1, wherein R₅ is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethylsiloxyethyl, 3-cyanopropyl, 3-methoxypropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphinylpropyl or 3-methanesulphonylpropyl.

Claim 9. (Original): A compound according to claim 1 wherein one of X and Y is N and the other is CR or both of X and Y are N;

Z is H;

R is H, halo, C₁₋₈ alkyl, C₃₋₆ cycloalkyl, C₂₋₈ alkenyl, C₂₋₈ alkynyl, C₁₋₈ alkoxy, C₁₋₈ alkylthio, nitro, amino, mono- or di-(C₁₋₆)alkylamino, mono- or di-(C₂₋₆)alkenylamino, mono- or di-(C₂₋₆)alkynylamino, formylamino, C₁₋₄ alkyl(formyl)amino, C₁₋₄ alkylcarbonylamino, C₁₋₄ alkyl(C₁₋₄ alkylcarbonyl)amino, cyano, formyl, C₁₋₄ alkylcarbonyl, C₁₋₄ alkoxy carbonyl, aminocarbonyl, mono- or di-(C₁₋₄)alkylamino-carbonyl, carboxy, C₁₋₄ alkylcarbonyloxy, aryl(C₁₋₄)alkylcarbonyloxy, C₁₋₄ alkylsulphinyl, C₁₋₄ alkylsulphonyl or C₁₋₄ alkylsulphonyloxy;

R₁ is C₁₋₄ alkyl, C₂₋₄ alkenyl or C₂₋₄ alkynyl in which the alkyl, alkenyl and alkynyl groups are optionally substituted on their terminal carbon atom with one, two or three halogen atoms, with a cyano group, with a C₁₋₄ alkylcarbonyl group, with a C₁₋₄ alkoxy carbonyl group or with a hydroxy group, or

R₁ is alkoxyalkyl, alkylthioalkyl, alkylsulphinylalkyl or alkylsulphonylalkyl in which the total number of carbon atoms is 2 or 3, or R₁ is a straight-chain C₁₋₄ alkoxy group;

R₂ is H, C₁₋₄ alkyl, C₁₋₄ alkoxy methyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C₁₋₄ alkoxy;

R₃ and R₄ are independently H, C₁₋₃ alkyl, C₂₋₃ alkenyl or C₂₋₃ alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or R₃ and R₄ join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C₁₋₄ alkyl; and

R₅ is H, C₁₋₄ alkyl or C₃₋₆ cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C₁₋₆ alkoxy, C₁₋₆ alkylthio, cyano, C₁₋₄ alkylcarbonyloxy, aminocarbonyloxy or mono- or di(C₁₋₄)alkylaminocarbonyloxy, tri(C₁₋₄)alkyl-silyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R₅ is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the R₅ values are optionally

substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C₁₋₄ alkyl, C₂₋₄, alkenyl, C₂₋₄ alkynyl, C₁₋₄ alkoxy, C₂₋₄ alkenyloxy, C₂₋₄ alkynyloxy, halo (C₁₋₄)alkyl, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, halo(C₁₋₄)alkylthio, hydroxy(C₁₋₄)alkyl, C₁₋₄alkoxy(C₁₋₄)alkyl, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, -NR^mRⁿ, -NHCOR^m, -NHCONR^mRⁿ, -CONR^mRⁿ, -SO₂R^m, -OSO₂R^m, -COR^m, -CR^m=NRⁿ or -N=CR^mRⁿ, in which R^m and Rⁿ are independently hydrogen, C₁₋₄ alkyl, halo(C₁₋₄)alkyl, C₁₋₄ alkoxy, halo(C₁₋₄)alkoxy, C₁₋₄ alkylthio, C₃₋₆ cycloalkyl, C₃₋₆ cycloalkyl(C₁₋₄)alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C₁₋₄ alkyl or C₁₋₄ alkoxy.

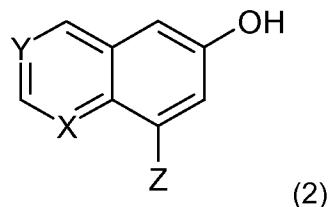
Claim 10. (Original): A compound according to claim 1 wherein one of X and Y is N and the other is CR or both of X and Y are N; Z is H; R is H, halo or cyano; R₁ methyl, ethyl, *n*-propyl, 2,2,2-trifluoromethyl, cyanomethyl, acetyl methyl, methoxycarbonylmethyl, methoxycarbonylethyl, hydroxymethyl, hydroxyethyl, methoxymethyl, methylthiomethyl, ethoxymethyl, 2-methoxyethyl, 2-methylthioethyl, methoxy, ethoxy, *n*-propoxy or *n*-butoxy; R₂ is H; R₃ and R₄ are both methyl; and R₅ is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethylsiloxymethyl, 3-cyanopropyl, 3-methoxypropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphonylpropyl or 3-methanesulphonylpropyl.

Claim 11. Cancelled.

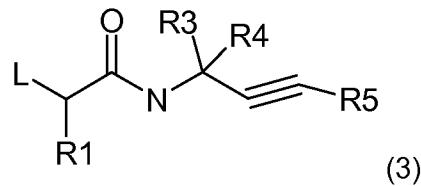
Claim 12. (Previously Presented): A fungicidal composition comprising a fungicidally effective amount of a compound of formula (1) as claimed in claim 1 and a suitable carrier or diluent therefor.

Claim 13. (Previously Presented): A method of combating or controlling phytopathogenic fungi which comprises applying a fungicidally effective amount of a compound of formula (1) as defined in claim 1 to a plant, to a seed of a plant, to the locus of the plant or seed or to soil or any other plant growth medium.

Claim 14. (New): A process for the preparation of a compound according to claim 1, which comprises reacting a compound of the formula (2)

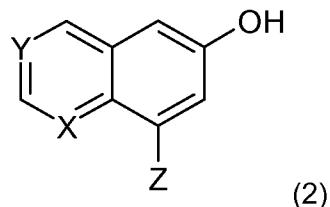


wherein X, Y, and Z have the meanings assigned to them in claim 1, with a compound of the formula (3)

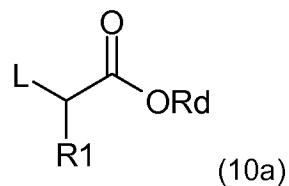


wherein R₁ and R₃ to R₅ have the meanings defined in claim 1 and L is a leaving group, in the presence of a base in a solvent.

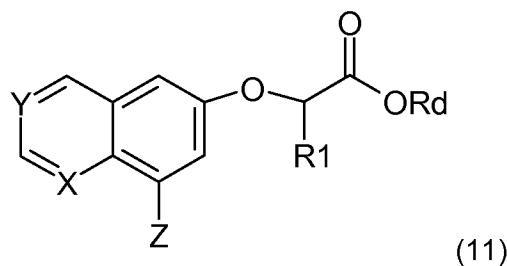
Claim 15. (New): A process for the preparation of a compound according to claim 1, which comprises reacting a compound of the formula (2)



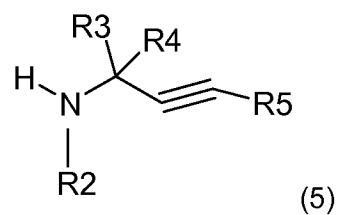
wherein X, Y, and Z have the meanings assigned to them in claim 1, with a compound of the formula (10a)



wherein R1 has the meaning assigned to it in claim 1, Rd is C₁₋₆ alkyl, and L is a leaving group, to form the compound of formula (11)



which is further reacted with a compound of the formula (5)



in the presence of an activating agent.